United Nations A/AC.109/2002/L.15

General Assembly

Distr.: Limited
18 June 2002

Original: English

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Consolidated draft resolution submitted by the Chairman

Questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands

A
General

The Special Committee,

Having considered the questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter referred to as "the Territories",

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, the resolutions adopted by the General Assembly at its fifty-fifth session on the individual Territories covered by the present resolution,

Recognizing that the specific characteristics and the sentiments of the peoples of the Territories require flexible, practical and innovative approaches to the options of self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Recalling General Assembly resolution 1541 (XV) of 15 December 1960, containing the principles that should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 *e* of the Charter of the United Nations,

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Expressing its concern that even forty years after the adoption of the Declaration there still remain a number of Non-Self-Governing Territories,

Acknowledging the significant achievements by the international community towards the eradication of colonialism in accordance with the Declaration, and conscious of the importance of continuing effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by the year 2010 and the plan of action for the Second International Decade for the Eradication of Colonialism,[1]

Noting the positive constitutional developments in some Non-Self-Governing Territories about which the Special Committee has received information, while also acknowledging the need for recognition to be given to expressions of self-determination by the peoples of the Territories consistent with practice under the Charter,

Recognizing that in the decolonization process there is no alternative to the principle of self-determination as enunciated by the General Assembly in its resolutions 1514 (XV), 1541 (XV) and other resolutions,

Welcoming the stated position of the Government of the United Kingdom of Great Britain and Northern Ireland that it continues to take seriously its obligations under the Charter to develop self-government in the dependent Territories and, in cooperation with the locally elected Governments, to ensure that their constitutional frameworks continue to meet the wishes of the people, and the emphasis that it is ultimately for the peoples of the Territories to decide their future status,

Welcoming also the stated position of the Government of the United States of America that it supports fully the principles of decolonization and takes seriously its obligations under the Charter to promote to the utmost the well-being of the inhabitants of the Territories under United States administration,

Aware of the special circumstances of the geographical location and economic conditions of each Territory, and bearing in mind the necessity of promoting economic stability and diversifying and strengthening further the economies of the respective Territories as a matter of priority,

Conscious of the particular vulnerability of the Territories to natural disasters and environmental degradation and, in this connection, bearing in mind the programmes of action of the United Nations Conference on Environment and Development, the World Conference on Natural Disaster Reduction, the Global Conference on the Sustainable Development of Small Island Developing States, the International Conference on Population and Development, the United Nations Conference on Human Settlements, and other relevant world conferences,

Aware of the usefulness both to the Territories and to the Special Committee of the participation of appointed and elected representatives of the Territories in the work of the Special Committee,

Convinced that the wishes and aspirations of the peoples of the Territories should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

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[1] See A/56/61, annex.

Further convinced that the Special Committee should continue actively to participate in monitoring and observing the evolution of the Non-Self-Governing Territories towards self-determination as well as to draw to the attention of the General Assembly the compliance of this process with the norms and practices of the United Nations,

Convinced also that any negotiations to determine the status of a Territory must not take place without the active involvement and participation of the people of that Territory, and that the views of the peoples of the Non-Self-Governing Territories in respect of their right to self-determination should be ascertained under the supervision of the United Nations,

Recognizing that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the peoples concerned and in conformity with the clearly defined principles contained in resolutions 1514 (XV), 1541 (XV) and other resolutions of the General Assembly,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the Territories, and considering that the possibility of sending further visiting missions to the Territories at an appropriate time and in consultation with the administering Powers should be kept under review,

Mindful also that, by holding a Pacific regional seminar at Nadi, Fiji, from 14 to 16 May 2002, it was able to hear the views of the representatives of the Territories, as well as Governments and organizations in the region, in order to review the political, economic and social conditions in the Territories,

Mindful further that in order for it to enhance its understanding of the political status of the peoples of the Territories and to fulfil its mandate effectively, it is important for the Special Committee to be apprised by the administering Powers and to receive information from other appropriate sources, including the representatives of the Territories, concerning the wishes and aspirations of the peoples of the Territories,

Recognizing the need for the Special Committee actively to embark on a public awareness campaign aimed at assisting the peoples of the Territories in gaining an understanding of the options of self-determination,

Mindful in this connection that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters and other venues, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate, and that the regional nature of the seminars, alternating between the Caribbean and Pacific, is a crucial element in their success, while recognizing the need for reviewing the role of those seminars in the context of a United Nations programme for ascertaining the political status of the Territories,

Mindful also that some Territories have not had any United Nations visiting mission for a long period of time and that no such visiting missions have been sent to some of the Territories,

Noting with appreciation the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, and regional institutions such as the Caribbean Development Bank, the Caribbean Community,

the Organization of Eastern Caribbean States, the Pacific Islands Forum and the agencies of the Council of Regional Organizations of the Pacific,

Noting that some territorial Governments have made efforts towards achieving the highest standards of financial supervision and noting also that some territorial Governments have expressed concern about insufficient dialogue between them and the Organisation for Economic Cooperation and Development on that matter,

Concerned that in 2001 economic growth slowed in many Non-Self-Governing Territories, particularly in the tourism and construction sectors,

Recalling its ongoing efforts in carrying out a critical review of its work with the aim of making appropriate and constructive recommendations and decisions to attain its objectives in accordance with its mandate,

1. *Reaffirms* the inalienable right of the peoples of the Territories to self-determination, including, if they so wish, independence, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Reaffirms also* that it is ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in General Assembly resolution 1541 (XV);

3. *Further reaffirms* that in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right;

4. *Requests* the administering Powers to transmit to the Secretary-General information called for under Article 73 *e* of the Charter and other updated information and reports, including reports on the wishes and aspirations of the peoples of the Territories regarding their future political status as expressed in fair and free referendums and other forms of popular consultation, as well as the results of any informed and democratic processes consistent with practice under the Charter that indicate the clear and freely expressed wish of the people to change the existing status of the Territories;

5. *Stresses* the importance for it to be apprised of the views and wishes of the peoples of the Territories and to enhance its understanding of their conditions;

6. *Reaffirms* that United Nations visiting missions to the Territories at an appropriate time and in consultation with the administering Powers are an effective means of ascertaining the situation in the Territories, and requests the administering Powers and the elected representatives of the peoples of the Territories to assist the Special Committee in this regard;

7. *Reaffirms also* the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of the Territories, and recommends that priority continue to be

given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

8. *Requests* the administering Powers, in consultation with the peoples of the Territories, to take all necessary measures to protect and conserve the environment of the Territories under their administration against any environmental degradation, and requests the specialized agencies concerned to continue to monitor environmental conditions in those Territories;

9. *Calls upon* the administering Powers, in cooperation with the respective territorial Governments, to continue to take all necessary measures to counter problems related to drug trafficking, money-laundering and other offences;

10. *Notes* the cooperative efforts of some Non-Self-Governing Territories to address the problem of illegal drugs, with a focus on demand reduction, education, treatment and legal issues;

11. *Notes with concern* that the plan of action for the first International Decade for the Eradication of Colonialism was not fully implemented by 2000, and stresses the importance of implementing the plan of action for the Second Decade, in particular through the development of work programmes for the decolonization of each Non-Self-Governing Territory on a case-by-case basis, including periodic analyses of each Territory and the review of the impact of the economic and social situation on the constitutional and political advancement of the Territories;

12. *Calls upon* the administering Powers to enter into constructive dialogue with the Special Committee before the fifty-sixth session of the General Assembly to develop a framework for the implementation of provisions of Article 73 *e* of the Charter and the Declaration on the Granting of Independence to the Colonial Countries and Peoples for the period 2001-2010;

13. *Notes* the particular circumstances that prevail in the Territories concerned, and encourages the political evolution in them towards self-determination;

14. *Urges* Member States to contribute to the efforts of the United Nations to usher in the twenty-first century in a world free of colonialism, and calls upon them to continue to give their full support to the Special Committee in its endeavours towards that noble goal;

15. *Invites* the specialized agencies and other organizations of the United Nations system to initiate or to continue to take all necessary measures to accelerate progress in the social and economic life of the Territories, and calls for closer cooperation between the Special Committee and the Economic and Social Council in furtherance of the provision of assistance to the Territories;

16. *Takes note with concern* of the procedure used by one administering Power through its Privy Council to unilaterally amend the laws of some Non-Self-Governing Territories despite the position of those Territories that they could not possibly agree to introduce such legislation;

17. *Takes note* of statements made by the elected representatives of the Territories concerned emphasizing their willingness to cooperate with all international efforts aimed at preventing abuse of the international financial system

and to promote regulatory environments with highly selective licensing procedures, robust supervisory practices and well-established anti-money-laundering regimes;

18. *Calls for* an enhanced and constructive dialogue between the Organisation for Economic Cooperation and Development and the concerned territorial Governments towards achieving the highest standards of financial supervision, and requests the administering Powers to assist those Territories in this matter;

19. *Requests* the Secretary-General to report to the General Assembly on the implementation of decolonization resolutions since the declaration of the International Decade for the Eradication of Colonialism;

20. *Decides* to continue its examination of the question of the small Territories and to report thereon to the General Assembly at its fifty-eighth session with recommendations on appropriate ways to assist the peoples of the Territories in exercising their right to self-determination.

B

Individual Territories

The Special Committee,

Referring to resolution A above,

I. American Samoa

Taking note of the report by the administering Power that most American Samoan leaders express satisfaction with the island's present relationship with the United States of America,

Also taking note of the general elections held in the Territory in 2000, resulting in the re-election of the incumbent Governor and Lieutenant Governor,

Taking note with interest of the statement made on the political status of American Samoa by the Lieutenant Governor of American Samoa at the Pacific regional seminar held at Nadi, Fiji, from 14 to 16 May 2002,

Noting that the Government of the Territory continues to have significant financial, budgetary and internal control problems and that the Territory's deficit and financial condition are compounded by the high demand for government services from the rapidly growing population, a limited economic and tax base and recent natural disasters,

Noting also that the Territory, similar to isolated communities with limited funds, continues to experience a lack of adequate medical facilities and other infrastructural requirements,

Aware of the efforts of the Government of the Territory to control and reduce expenditures, while continuing its programme of expanding and diversifying the local economy,

Noting the concerns expressed by the non-voting delegate to the United States House of Representatives regarding the disproportionate percentage of businesses owned and operated in the territory by expatriates or non-Samoans,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Takes note* that the United States Department of Interior Secretarial Order No. 2057 unilaterally delimits the extent and nature of the authority of the Government of American Samoa as it is exercised under the jurisdiction of the administering Power, sets forth that the executive authority of the Territory shall be exercised under the supervision and direction of the Secretary of the Interior, and directs that no measure affecting the powers of the legislature of the Territory shall become effective without the approval of the Secretary of the Interior;

3. *Notes with interest* the statement of the Territory's Delegate to Congress delivered at the Caribbean regional seminar held in Havana, Cuba, from 23 to 25 May 2001, in which he indicated that he was not aware that the administering Power had selected American Samoa to be reviewed under the case-by-case informal method adopted by the Special Committee and the administering Power;

4. *Calls upon* the administering Power to continue to assist the territorial Government in the economic and social development of the Territory, including measures to rebuild financial management capabilities and strengthen other governmental functions of the Government of the Territory;

5. *Welcomes* the invitation extended to it by the Governor of American Samoa to send a visiting mission to the Territory;

II. Anguilla

Conscious of the commitment of both the Government of Anguilla and the administering Power to a new and closer policy of dialogue and partnership through the Strategic Country Programme 2000-2003,

Aware of the efforts of the Government of Anguilla to continue to develop the Territory as a viable offshore centre and well-regulated financial centre for investors, by enacting modern company and trust laws, as well as partnership and insurance legislation, and computerizing the company registry system,

Noting the need for continued cooperation between the administering Power and the territorial Government in tackling the problems of drug trafficking and money-laundering,

Aware that the elected Chief Minister of the Territory voiced the objection of his government to the British Order-in-Council which unilaterally decriminalized certain acts of homosexuality in the British Non-Self-Governing Territories, including Anguilla,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Calls upon* the administering Power and all States, organizations and United Nations agencies to continue to assist the Territory in social and economic development;

3. *Welcomes* the Country Cooperation Framework of the United Nations Development Programme for the period 1997-1999 and its extension currently being implemented following consultations with the territorial Government and key development partners in the United Nations system and the donor community, and further welcomes the inclusion of the Territory by the United Nations Development Programme in its 2001-2003 subregional cooperative framework for the countries of the Organization of Eastern Caribbean States and Barbados;

4. *Takes note* of the assessment by the Caribbean Development Bank, in its 2000 report on the Territory, that growth slowed to 1 per cent in 2000 from 7.5 per cent in 1999 as a result of damage caused by hurricane Lenny; that tourism, the largest contributor to gross domestic product, declined following the closure of several hotels, with the resultant negative impact on employment; that the cessation of aluminium trans-shipment to Europe eroded government revenue; and that medium-term growth prospects remain favourable given the expected recovery in the tourism sector;

5. *Also takes note* that the Caribbean Development Bank, in its study entitled "International and regional economic background in 2001 and prospects", noted that the territory experienced improved performance in 2001, when a 2 per cent rate of expansion represented a recovery from the contraction in 2000 caused by hurricane damage;

6. *Welcomes* the signing of a memorandum of understanding between the Caribbean Development Bank and the United Kingdom to conduct a country poverty assessment for the Territory;

7. *Welcomes* the establishment of the constitutional reform process, with emphasis on public information and education, with the expectation of a participatory environment in which changes to the constitution effective in the Territory can be formulated and recommended to the administering Power;

8. *Welcomes* the convening in the Territory in June 2002 of the 35th meeting of the authority of the Organization of Eastern Caribbean States, in which the Territory enjoys associate membership;

III. Bermuda

Noting the results of the independence referendum held on 16 August 1995, and conscious of the different viewpoints of the political parties of the Territory on the future status of the Territory,

Further noting discussions between the Territory and the administering Power on internal constitutional changes,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Calls upon* the administering Power to continue to work with the Territory for its socio-economic development;

3. *Requests* the administering Power to elaborate, in consultation with the territorial Government, programmes specifically intended to alleviate the economic,

social and environmental consequences of the closure of the military bases and installations of the United States of America in the Territory;

4. *Welcomes* the accession of the territory as an associate member of the Caribbean Community;

IV. British Virgin Islands

Noting the last constitutional review in the Territory conducted by the Administering Power in 1993-1994, the coming into force of the amended Constitution, and the appointment by the territorial government of a committee to assess the implications of independence in the implementation of a recommendation of the 1993 review,

Noting also the results of the constitutional review of 1993-1994, which made it clear that a prerequisite to independence must be a constitutionally expressed wish by the people as a result of a referendum,

Taking note of the motion adopted by the Legislative Council in March 2002, requesting the administering Power to appoint a commission to review the constitution with the aim of modernizing it, with specific attention to the creation of a sixth ministerial post, the standing of the Territory's "belonger" status and the devolution of power from the administering Power's representative to the elected Government,

Noting that the Territory continues to emerge as one of the world's leading offshore financial centres, with the financial services sector becoming the cornerstone of the government recurrent budget, accounting for over 50 per cent of government revenue, and further noting the establishment of the Financial Services Commission,

Noting also the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money-laundering, and *further noting* that the Territory hosted a meeting of the national drugs coordinators of the United Kingdom Territories in January 2002,

Noting further that the Territory commemorated its annual British Virgin Islands-United States Virgin Islands Friendship Day on 11 May 2002 in official ceremonies held in Tortola,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Requests* the administering Power, the specialized agencies and other organizations of the United Nations system and all financial institutions to continue to provide assistance to the Territory for socio-economic development and the development of human resources, bearing in mind the vulnerability of the Territory to external factors;

3. *Takes note* of the adoption by the Legislative Council of the Territory of the Corporal Punishment Abolition Act 2000, which brought to an end the exercise of such a power by the court or other authority;

4. *Welcomes* the completion of the airport terminal facility, which was the largest capital project of the government;

5. *Welcomes further* the convening in the Territory in 2001 of a summit of elected leaders of Caribbean Territories, which addressed issues of constitution and governance, immigration and nationality, human rights, social development, civil aviation and safety, and environmental issues;

V. Cayman Islands

Noting the formation for the first time of a political party in the Territory and the subsequent change of Government in November 2001,

Noting the completion in 2002 of the report of the Constitutional Modernization Review Commission, which conducted an extensive review of the present constitution, with recommended changes, following public discussions with community groups and individuals,

Also noting the concerns of the Cayman Ministers Association, as expressed in the petition against the United Kingdom Government's Order-in-Council imposed on its Non-Self-Governing Territories from 1 January 2001, that the imposition of legislation by Order in Council as opposed to legislating locally by an elected parliament violates the customary, normal and accepted rules of authority and consultation between the Cayman Islands Government and people, and that such a practice raises grave concern over the real possibility of further imposition of legislation against the will of the people,

Aware that the Territory has one of the highest per capita incomes in the region, a stable political climate and virtually no unemployment,

Noting the actions taken by the territorial Government to implement its localization programme to promote increased participation by the local population in the decision-making process in the Cayman Islands,

Noting with concern the vulnerability of the Territory to drug trafficking, money-laundering and related activities, and the measures taken by the authorities to deal with those problems,

Noting also that the Territory has emerged as one of the world's leading offshore financial centres,

Noting further the approval by the Cayman Islands Legislative Assembly of the Territory's Vision 2008 Development Plan, which aims to promote development that is consistent with the aims and values of Caymanian society,

Welcoming the convening in the Territory in September 2001 of the Human Rights Today Caribbean Symposium,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Takes note* of the adoption by the Legislative Assembly in 2001 of a referendum law, which confirmed that only a referendum makes it possible for the electorate to give a clear judgement on a single issue of immediate relevance, and

that the Constitution of the Cayman Islands can only be amended through a referendum;

3. *Requests* the administering Power, the specialized agencies and other organizations of the United Nations system to continue to provide the territorial Government with all required expertise to enable it to achieve its socio-economic aims;

4. *Calls upon* the administering Power and the territorial Government to continue to cooperate to counter problems related to money-laundering, smuggling of funds and other related crimes, as well as drug trafficking;

5. *Requests* the administering Power, in consultation with the territorial Government, to continue to facilitate the expansion of the current programme of securing employment for the local population, in particular at the decision-making level;

6. *Welcomes* the implementation of the Country Cooperation Framework of the United Nations Development Programme for the Territory, which is designed to ascertain national development priorities and United Nations assistance needs;

7. *Notes* the negative impact on the economy of the Territory of the slowdown in economic performance in the world, as well as the determination of the new Government to modernize the economic structure and intensify the implementation of its financial management initiative;

8. *Welcomes* the accession of the territory as an associate member of the Caribbean Community;

VI. Guam

Recalling that, in a referendum held in 1987, the registered and eligible voters of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for a greater measure of internal self-government for Guam and recognition of the right of the Chamorro people of Guam to self-determination for the Territory,

Recalling also its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to the Non-Self-Governing Territories, in particular, General Assembly resolutions 54/90 A and B of 6 December 1999,

Recalling further the requests by the elected representatives and non-governmental organizations of the Territory that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee is concerned, pending the self-determination of the Chamorro people and taking into account their legitimate rights and interests,

Aware that negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act are no longer continuing and that Guam had established the process for a self-determination vote by the eligible Chamorro voters,

Cognizant that the administering Power continues to implement its programme of transferring surplus federal land to the Government of Guam,

Noting that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough, unconditional and expeditious transfer of land property to the people of Guam,

Conscious that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

Aware of the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture and other viable activities,

Noting the proposed closing and realigning of four United States Navy installations on Guam and the request for the establishment of a transition period to develop some of the closed facilities as commercial enterprises,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory, and noting the recommendation of the 1996 Pacific regional seminar for sending a visiting mission to Guam,[2]

Noting with interest the statements made and the information on the political and economic situation in Guam provided by the representatives of the Territory to the Pacific regional seminar, held at Nadi, Fiji, from 14 to 16 May 2002,

Concerned that the latest census figures in the Territory show that the percentage of persons living in poverty increased from 14 per cent in 1990 to 23 per cent in 2000,

1. *Requests* the administering Power to work with Guam's Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination with a view to facilitating Guam's decolonization and to keep the Secretary-General informed of the progress to that end;

2. *Calls upon* the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the plebiscite of 1987 and as provided for in Guam law, encourages the administering Power and the territorial Government of Guam to enter into negotiations on the matter, and requests the administering Power to inform the Secretary-General of progress to that end;

3. *Requests* the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

4. *Also requests* the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory;

5. *Further requests* the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam, and to take all necessary measures to respond to the concerns of the territorial Government with regard to the question of immigration;

6. *Requests* the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of

[2] See A/AC.109/2058, para. 33 (20).

economic activities and enterprises, noting the special role of the Chamorro people in the development of Guam;

7. *Also requests* the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agricultural and other viable activities;

VII. Montserrat

Taking note that Legislative Council elections were held in the Territory in 2001, resulting in the assumption to office of the New People's Liberation Movement Government,

Also taking note with interest of the statements made and the information on the political and economic situation in Montserrat provided by the elected representative of the Territory to the Caribbean regional seminar, held at Havana from 23 to 25 May 2001,

Aware of the establishment of the Constitutional Review Commission to embark on a public education programme on the Constitution, to ascertain the views of the population and to make recommendations to the administering Power on changes which may be envisaged,

Noting that the last visiting mission to the Territory took place in 1982,

Noting with concern the dire consequences of a volcanic eruption, which led to the evacuation of three quarters of the Territory's population to safe areas of the island and to areas outside the Territory, in particular Antigua and Barbuda and the United Kingdom of Great Britain and Northern Ireland, and which continues to have a negative impact upon the economy of the island,

Welcoming the continued assistance to the Territory from Caribbean Community member States, in particular Antigua and Barbuda, which has provided safe refuge and access to educational and health facilities, as well as employment for thousands who have left the Territory,

Noting the efforts of the administering Power and the Government of the Territory to meet the emergency situation caused by the volcanic eruption, including the implementation of a wide range of contingency measures for both the private and the public sectors in Montserrat,

Noting also the coordinated response measures taken by the United Nations Development Programme and the assistance of the United Nations disaster management team,

Noting with concern that a number of the inhabitants of the Territory continue to live in shelters because of volcanic activity,

Welcoming the inclusion of the Territory by the United Nations Development Programme in its 2001-2003 subregional cooperative framework for the countries of the Organization of Eastern Caribbean States and Barbados,

Taking note of the establishment in 2001 of the Montserrat Financial Services Commission, which is responsible for the licensing and supervision of all financial services, with the exception of domestic banks,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system as well as regional and other organizations to continue to provide urgent emergency assistance to the Territory in alleviating the consequences of the volcanic eruption;

3. *Welcomes* the support of the Caribbean Community in the construction of housing in the safe zone to alleviate a shortage caused by the environmental and human crisis of the eruption of the Montsoufriere volcano, as well as the material and financial support from the international community to help alleviate the suffering caused by the crisis;

4. *Also welcomes* the Chief Minister's 2002 budget presentation, in which he noted that in 2001, for the first time in seven years, the economy of Montserrat experienced positive growth, from negative 5.43 per cent in 2000 to 0.4 per cent in 2001, with the implementation of several major public work projects accounting for growth in the construction sector;

5. *Takes note* of the statement of the Chief Minister that his Government would explore the possibilities of securing additional finance from sources other than the British Government, and that the main sources under consideration were the Caribbean Development Bank and the European Investment Bank;

VIII. Pitcairn

Taking into account the unique nature of Pitcairn in terms of population and area,

Welcoming the participation of an expert from Pitcairn for the first time in the Pacific regional seminar held at Nadi, Fiji, from 14 to 16 May 2002,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

3. *Calls upon* the administering Power to continue its discussions with the representatives of Pitcairn Island on how best to support their economic security;

IX. St. Helena

Taking into account the unique character of St. Helena, its population and its natural resources,

Noting that a Commission of Inquiry into the Constitution appointed at the request of the Legislative Council of St. Helena reported its recommendations in March 1999, and that the Legislative Councillors are currently considering its recommendations,

Also noting the administering Power's commitment to consider carefully suggestions for specific proposals for constitutional change from territorial Governments as stated in its White Paper on Partnership for Progress and Prosperity: Britain and the Overseas Territories,[2]

Welcoming the participation of an expert from St. Helena for the first time in the Pacific regional seminar held at Nadi, Fiji, from 14 to 16 May 2002,

Aware of the establishment by the Government of the Territory of the Development Agency in 1995 to encourage private sector commercial development on the island,

Also aware of the efforts of the administering Power and the territorial authorities to improve the socio-economic conditions of the population of St. Helena, in particular in the sphere of food production, continuing high unemployment and limited transport and communications, and calls for continuing negotiations to allow access to Ascension Island by civilian charter flights,

Noting with concern the problem of unemployment on the island and the joint action of the administering Power and the territorial Government to deal with it,

1. *Notes* that the administering Power has taken note of various statements made by members of the Legislative Council of St. Helena about the Constitution and is prepared to discuss them further with the people of St. Helena;

2. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

3. *Requests* the administering Power and relevant regional and international organizations to continue to support the efforts of the territorial Government to address the socio-economic development challenges, including the high unemployment and the limited transport and communications problems;

X. Turks and Caicos Islands

Noting that the People's Democratic Movement was elected to power in the Legislative Council elections held in March 1999,

Also taking note of the establishment of the Constitutional Review Commission to embark on a public education programme on the Constitution, to ascertain the views of the population and to make recommendations to the administering Power on changes which may be envisaged,

Also noting the efforts by the Government of the Territory to strengthen financial management in the public sector, including efforts to increase revenue,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities, as well as its problems caused by illegal immigration,

Noting the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money-laundering,

Welcoming the assessment by the Caribbean Development Bank in its 2000 report that the economic performance of the Territory remained strong, with an

increase in gross domestic product estimated at 8 per cent, reflecting strong growth in the tourism and construction sectors,

Welcoming the convening in the Territory in January 2002 of the 14th meeting of the Bureau of the Caribbean Community, a regional organization in which the Territory enjoys associate membership,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Invites* the administering Power to take fully into account the wishes and interests of the Government and the people of the Turks and Caicos Islands in the governance of the Territory;

3. *Aware* that the legislative Council of the Territory approved a resolution expressing displeasure at the British Order-in-Council which unilaterally decriminalized certain acts of homosexuality;

4. *Calls upon* the administering Power and the relevant regional and international organizations to continue to provide assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

5. *Calls upon* the administering Power and the territorial Government to continue to cooperate to counter problems related to money-laundering, smuggling of funds and other related crimes, as well as drug trafficking;

6. *Also welcomes* the first Country Cooperation Framework approved by the United Nations Development Programme for the period 1998-2002, which should, inter alia, assist in the development of a national integrated development plan that will put into place procedures for determining the national development priorities over ten years, with the focus of attention on health, population, education, tourism and economic and social development;

XI. United States Virgin Islands

Taking note with interest of the statements made and the information provided by the representative of the Governor of the Territory to the Pacific regional seminar, held at Nadi, Fiji, from 11 to 14 May 2002,

Noting also the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and observer status in the Caribbean Community and the Association of Caribbean States [and the present request by the Territory to the administering Power for the delegation of authority to proceed],

Noting the necessity of further diversifying the economy of the Territory,

Noting the efforts of the Government of the Territory to promote the Territory as an offshore financial services centre,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory,

Noting that the Territory commemorated its annual British Virgin Islands-United States Virgin Islands Friendship Day on 11 May 2002 in official ceremonies on St. Thomas,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Also requests* the administering Power to continue to assist the territorial Government in achieving its political, economic and social goals;

3. *Further requests* the administering Power to facilitate the participation of the Territory, as appropriate, in various organizations, in particular the Organization of Eastern Caribbean States, the Caribbean Community and the Association of Caribbean States;

4. *Notes with satisfaction* that continued measures being taken by the elected territorial Government have eased the fiscal crisis, and calls upon the administering Power to continue to provide every assistance required by the Territory to further alleviate the difficult economic situation, including, inter alia, the provision of debt relief and loans;

5. *Notes with interest* the entering into force in 2001 of the joint memorandum of cooperation on the exchange of artefacts between the Territory and the Kingdom of Denmark, the Territory's former administering Power, as a companion agreement to the 1999 memorandum for the repatriation of archival material from the Danish colonial period, consistent with the Durban Declaration and Programme of Action, and requests the United Nations Educational, Scientific and Cultural Organization, under its records and archives management programme, to assist the Territory in carrying out its archival and artefacts initiative;

6. *Takes note* of the position of the territorial Government opposing the assumption by the administering Power of submerged land in territorial waters, and [its] calls for the return of those marine resources to the people of the Territory, consistent with relevant resolutions of the General Assembly on the ownership and control of natural resources, including marine resources, by the people of Non-Self-Governing Territories [as well as the Law of the Sea Treaty];

7. *Notes with concern* that the last census figures for the Territory indicate that 32.5 per cent of the population is living in poverty, with 47 per cent of children in St. Croix and 33 per cent of children on St. Thomas living in poverty.

United Nations A/AC.109/2002/L.15/Rev.1

General Assembly

Distr.: Limited
24 June 2002

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Consolidated draft resolution submitted by the Chairman

Questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands

A
General

The Special Committee,

Having considered the questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter referred to as "the Territories",

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, the resolutions adopted by the General Assembly at its fifty-sixth session on the individual Territories covered by the present resolution,

Recognizing that the specific characteristics and the sentiments of the peoples of the Territories require flexible, practical and innovative approaches to the options of self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Recalling General Assembly resolution 1541 (XV) of 15 December 1960, containing the principles that should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 *e* of the Charter of the United Nations,

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Expressing its concern that more than forty years after the adoption of the Declaration there still remain a number of Non-Self-Governing Territories,

Acknowledging the significant achievements by the international community towards the eradication of colonialism in accordance with the Declaration, and conscious of the importance of continuing effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by the year 2010 and the plan of action for the Second International Decade for the Eradication of Colonialism,[1]

Noting the positive constitutional developments in some Non-Self-Governing Territories about which the Special Committee has received information, while also acknowledging the need for recognition to be given to expressions of self-determination by the peoples of the Territories consistent with practice under the Charter,

Recognizing that in the decolonization process there is no alternative to the principle of self-determination as enunciated by the General Assembly in its resolutions 1514 (XV), 1541 (XV) and other resolutions,

Welcoming the stated position of the Government of the United Kingdom of Great Britain and Northern Ireland that it continues to take seriously its obligations under the Charter to develop self-government in the dependent Territories and, in cooperation with the locally elected Governments, to ensure that their constitutional frameworks continue to meet the wishes of the people, and the emphasis that it is ultimately for the peoples of the Territories to decide their future status,

Welcoming also the stated position of the Government of the United States of America that it supports fully the principles of decolonization and takes seriously its obligations under the Charter to promote to the utmost the well-being of the inhabitants of the Territories under United States administration,

Aware of the special circumstances of the geographical location and economic conditions of each Territory, and bearing in mind the necessity of promoting economic stability and diversifying and strengthening further the economies of the respective Territories as a matter of priority,

Conscious of the particular vulnerability of the Territories to natural disasters and environmental degradation and, in this connection, bearing in mind the programmes of action of the United Nations Conference on Environment and Development, the World Conference on Natural Disaster Reduction, the Global Conference on the Sustainable Development of Small Island Developing States, the International Conference on Population and Development, the United Nations Conference on Human Settlements, and other relevant world conferences,

Aware of the usefulness both to the Territories and to the Special Committee of the participation of appointed and elected representatives of the Territories in the work of the Special Committee,

Convinced that the wishes and aspirations of the peoples of the Territories should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

[1] See A/56/61, annex.

Convinced also that any negotiations to determine the status of a Territory must not take place without the active involvement and participation of the people of that Territory, and that the views of the peoples of the Non-Self-Governing Territories in respect of their right to self-determination should be ascertained under the supervision of the United Nations, on a case-by-case basis,

Recognizing that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the peoples concerned and in conformity with the clearly defined principles contained in resolutions 1514 (XV), 1541 (XV) and other resolutions of the General Assembly,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the Territories, and considering that the possibility of sending further visiting missions to the Territories at an appropriate time and in consultation with the administering Powers should be kept under review,

Mindful also that, by holding a Pacific regional seminar at Nadi, Fiji, from 14 to 16 May 2002, it was able to hear the views of the representatives of the Territories, as well as Governments and organizations in the region, in order to review the political, economic and social conditions in the Territories,

Mindful further that in order for it to enhance its understanding of the political status of the peoples of the Territories and to fulfil its mandate effectively, it is important for the Special Committee to be apprised by the administering Powers and to receive information from other appropriate sources, including the representatives of the Territories, concerning the wishes and aspirations of the peoples of the Territories,

Recognizing the need for the Special Committee actively to embark on a public awareness campaign aimed at assisting the peoples of the Territories in gaining an understanding of the options of self-determination,

Mindful in this connection that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters and other venues, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate, and that the regional nature of the seminars, alternating between the Caribbean and Pacific, is a crucial element in their success, while recognizing the need for reviewing the role of those seminars in the context of a United Nations programme for ascertaining the political status of the Territories,

Mindful also that some Territories have not had any United Nations visiting mission for a long period of time and that no such visiting missions have been sent to some of the Territories,

Noting with appreciation the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, and regional institutions such as the Caribbean Development Bank, the Caribbean Community, the Organization of Eastern Caribbean States, the Pacific Islands Forum and the agencies of the Council of Regional Organizations of the Pacific,

Noting that some territorial Governments have made efforts towards achieving the highest standards of financial supervision and noting also that some territorial

Governments have expressed concern about insufficient dialogue between them and the Organisation for Economic Cooperation and Development on that matter,

Concerned that in 2001 economic growth slowed in many Non-Self-Governing Territories, particularly in the tourism and construction sectors,

Recalling its ongoing efforts in carrying out a critical review of its work with the aim of making appropriate and constructive recommendations and decisions to attain its objectives in accordance with its mandate,

1. *Reaffirms* the inalienable right of the peoples of the Territories to self-determination, including, if they so wish, independence, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Reaffirms also* that it is ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in General Assembly resolution 1541 (XV);

3. *Further reaffirms* that in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right;

4. *Requests* the administering Powers to transmit to the Secretary-General information called for under Article 73 *e* of the Charter and other updated information and reports, including reports on the wishes and aspirations of the peoples of the Territories regarding their future political status as expressed in fair and free referendums and other forms of popular consultation, as well as the results of any informed and democratic processes consistent with practice under the Charter that indicate the clear and freely expressed wish of the people to change the existing status of the Territories;

5. *Stresses* the importance for it to be apprised of the views and wishes of the peoples of the Territories and to enhance its understanding of their conditions;

6. *Reaffirms* that United Nations visiting missions to the Territories at an appropriate time and in consultation with the administering Powers are an effective means of ascertaining the situation in the Territories, and requests the administering Powers and the elected representatives of the peoples of the Territories to assist the Special Committee in this regard;

7. *Reaffirms also* the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of the Territories, and recommends that priority continue to be given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

8. *Requests* the administering Powers, in consultation with the peoples of the Territories, to take all necessary measures to protect and conserve the

environment of the Territories under their administration against any environmental degradation, and requests the specialized agencies concerned to continue to monitor environmental conditions in those Territories;

9. *Calls upon* the administering Powers, in cooperation with the respective territorial Governments, to continue to take all necessary measures to counter problems related to drug trafficking, money-laundering and other offences;

10. *Notes* the cooperative efforts of some Non-Self-Governing Territories to address the problem of illegal drugs, with a focus on demand reduction, education, treatment and legal issues;

11. *Notes with concern* that the plan of action for the first International Decade for the Eradication of Colonialism was not fully implemented by 2000, and stresses the importance of implementing the plan of action for the Second Decade, in particular through the development of work programmes for the decolonization of each Non-Self-Governing Territory on a case-by-case basis, including periodic analyses of each Territory and the review of the impact of the economic and social situation on the constitutional and political advancement of the Territories;

12. *Calls upon* the administering Powers to enter into constructive dialogue with the Special Committee before the fifty-seventh session of the General Assembly to develop a framework for the implementation of provisions of Article 73 *e* of the Charter and the Declaration on the Granting of Independence to the Colonial Countries and Peoples for the period 2001-2010;

13. *Notes* the particular circumstances that prevail in the Territories concerned, and encourages the political evolution in them towards self-determination;

14. *Urges* Member States to contribute to the efforts of the United Nations to usher in the twenty-first century in a world free of colonialism, and calls upon them to continue to give their full support to the Special Committee in its endeavours towards that noble goal;

15. *Invites* the specialized agencies and other organizations of the United Nations system to initiate or to continue to take all necessary measures to accelerate progress in the social and economic life of the Territories, and calls for closer cooperation between the Special Committee and the Economic and Social Council in furtherance of the provision of assistance to the Territories;

16. *Takes note* that some Non-Self-Governing Territories expressed concern at the procedure by one administering Power, contrary to the wishes of the Territories themselves, of amending or enacting legislation for the Territories through Orders in Council, while recognizing that such Orders in Council were necessary in order for the administering Power to fulfil its international treaty obligations;

17. *Takes note* of statements made by the elected representatives of the Territories concerned emphasizing their willingness to cooperate with all international efforts aimed at preventing abuse of the international financial system and to promote regulatory environments with highly selective licensing procedures, robust supervisory practices and well-established anti-money-laundering regimes;

18. *Calls for* an enhanced and constructive dialogue between the Organisation for Economic Cooperation and Development and the concerned territorial Governments towards achieving the highest standards of financial supervision, and requests the administering Powers to assist those Territories in this matter;

19. *Requests* the Secretary-General to report to the General Assembly on the implementation of decolonization resolutions since the declaration of the International Decade for the Eradication of Colonialism;

20. *Decides* to continue its examination of the question of the small Territories and to report thereon to the General Assembly at its fifty-eighth session with recommendations on appropriate ways to assist the peoples of the Territories in exercising their right to self-determination.

B

Individual Territories

The Special Committee,

Referring to resolution A above,

I. American Samoa

Taking note of the report by the administering Power that most American Samoan leaders express satisfaction with the Territory's present relationship with the United States of America,

Also taking note that the leaders of American Samoa, including the Governor and Lieutenant Governor, are freely and fairly elected by the people, and that the general elections held in the Territory in 2000 resulted in the re-election of the incumbent Governor and Lieutenant Governor,

Taking note with interest of the statement made on the political status of American Samoa by the Lieutenant Governor of American Samoa at the Pacific regional seminar held at Nadi, Fiji, from 14 to 16 May 2002,

Noting that the Government of the Territory continues to have financial, budgetary and internal control problems, but that it has taken recent steps to increase revenues and decrease government expenditures,

Noting also that the Territory, similar to isolated communities with limited funds, continues to experience a lack of adequate medical and other infrastructural facilities,

Aware of the efforts of the Government of the Territory to control and reduce expenditures, while continuing its programme of expanding and diversifying the local economy,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Takes note* that the United States Department of the Interior provides that the Secretary of the Interior has administrative jurisdiction over American Samoa;

3. *Notes with interest* the statement of the Territory's Delegate to Congress delivered at the Caribbean regional seminar held in Havana, Cuba, from 23 to 25 May 2001, in which he indicated that he was not aware that the administering Power had selected American Samoa to be reviewed under the case-by-case informal method adopted by the Special Committee and the administering Power;

4. *Calls upon* the administering Power to continue to assist the territorial Government in the economic and social development of the Territory, including measures to rebuild financial management capabilities and strengthen other governmental functions of the Government of the Territory;

5. *Welcomes* the invitation extended to it by the Governor of American Samoa to send a visiting mission to the Territory;

II. Anguilla

Conscious of the commitment of both the Government of Anguilla and the administering Power to a new and closer policy of dialogue and partnership through the Strategic Country Programme 2000-2003,

Aware of the efforts of the Government of Anguilla to continue to develop the Territory as a viable offshore centre and well-regulated financial centre for investors, by enacting modern company and trust laws, as well as partnership and insurance legislation, and computerizing the company registry system,

Noting the need for continued cooperation between the administering Power and the territorial Government in tackling the problems of drug trafficking and money-laundering,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Calls upon* the administering Power and all States, organizations and United Nations agencies to continue to assist the Territory in social and economic development;

3. *Welcomes* the Country Cooperation Framework of the United Nations Development Programme for the period 1997-1999 and its extension currently being implemented following consultations with the territorial Government and key development partners in the United Nations system and the donor community, and further welcomes the inclusion of the Territory by the United Nations Development Programme in its 2001-2003 subregional cooperative framework for the countries of the Organization of Eastern Caribbean States and Barbados;

4. *Takes note* of the assessment by the Caribbean Development Bank, in its 2000 report on the Territory, that growth slowed to 1 per cent in 2000 from 7.5 per cent in 1999 as a result of damage caused by hurricane Lenny; that tourism, the largest contributor to gross domestic product, declined following the closure of several hotels, with the resultant negative impact on employment; that the cessation of aluminium trans-shipment to Europe eroded government revenue; and that medium-term growth prospects remain favourable given the expected recovery in the tourism sector;

5. *Also takes note* that the Caribbean Development Bank, in its study entitled "International and regional economic background in 2001 and prospects", noted that the territory experienced improved performance in 2001, when a 2 per cent rate of expansion represented a recovery from the contraction in 2000 caused by hurricane damage;

6. *Welcomes* the signing of a memorandum of understanding between the Caribbean Development Bank and the United Kingdom to conduct a country poverty assessment for the Territory;

7. *Welcomes* the establishment of the constitutional reform process, with emphasis on public information and education, with the expectation of a participatory environment in which changes to the constitution effective in the Territory can be formulated and recommended to the administering Power, pursuant to the recommendations as stated in its White Paper on Partnership for Progress and Prosperity: Britain and the Overseas Territories;

8. *Welcomes* the convening in the Territory in June 2002 of the 35th meeting of the authority of the Organization of Eastern Caribbean States, in which the Territory enjoys associate membership;

III. Bermuda

Noting the results of the independence referendum held on 16 August 1995, and conscious of the different viewpoints of the political parties of the Territory on the future status of the Territory,

Further noting discussions between the Territory and the administering Power on internal constitutional changes,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Calls upon* the administering Power to continue to work with the Territory for its socio-economic development;

3. *Welcomes* the agreement between the United States of America, the United Kingdom and the Territory in June 2002 formally transferring the former military baselands to the territorial government, and the provision of financial resources to address some of the environmental problems;

4. *Welcomes* the accession of the territory as an associate member of the Caribbean Community;

IV. British Virgin Islands

Noting the last constitutional review in the Territory conducted by the Administering Power in 1993-1994, the coming into force of the amended Constitution, and the appointment by the territorial government of a committee to assess the implications of independence in the implementation of a recommendation of the 1993 review,

Noting also the results of the constitutional review of 1993-1994, which made it clear that a prerequisite to independence must be a constitutionally expressed wish by the people as a result of a referendum,

Taking note of the motion adopted by the Legislative Council in March 2002, requesting the administering Power to appoint a commission to review the constitution with the aim of modernizing it, with specific attention to the creation of a sixth ministerial post, the standing of the Territory's "belonger" status and the devolution of power from the administering Power's representative to the elected Government,

Noting that the Territory continues to emerge as one of the world's leading offshore financial centres, with the financial services sector becoming the cornerstone of the government recurrent budget, accounting for over 50 per cent of government revenue, and further noting the establishment of the Financial Services Commission,

Noting also the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money-laundering, and *further noting* that the Territory hosted a meeting of the national drugs coordinators of the United Kingdom Territories in January 2002,

Noting further that the Territory commemorated its annual British Virgin Islands-United States Virgin Islands Friendship Day on 11 May 2002 in official ceremonies held in Tortola,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Requests* the administering Power, the specialized agencies and other organizations of the United Nations system and all financial institutions to continue to provide assistance to the Territory for socio-economic development and the development of human resources, bearing in mind the vulnerability of the Territory to external factors;

3. *Takes note* of the adoption by the Legislative Council of the Territory of the Corporal Punishment Abolition Act 2000, which brought to an end the exercise of such a power by the court or other authority;

4. *Welcomes* the completion of the airport terminal facility, which was the largest capital project of the government;

5. *Welcomes further* the convening in the Territory in 2001 of a summit of elected leaders of Caribbean Territories, which addressed issues of constitution and governance, immigration and nationality, human rights, social development, civil aviation and safety, and environmental issues;

V. Cayman Islands

Noting the formation for the first time of a political party in the Territory and the subsequent change of Government in November 2001,

Aware that the Territory has one of the highest per capita incomes in the region, a stable political climate and virtually no unemployment,

Noting the actions taken by the territorial Government to implement its localization programme to promote increased participation by the local population in the decision-making process in the Cayman Islands,

Noting with concern the vulnerability of the Territory to drug trafficking, money-laundering and related activities, and the measures taken by the authorities to deal with those problems,

Noting also that the Territory has emerged as one of the world's leading offshore financial centres,

Noting further the approval by the Cayman Islands Legislative Assembly of the Territory's Vision 2008 Development Plan, which aims to promote development that is consistent with the aims and values of Caymanian society,

Welcoming the convening in the Territory in September 2001 of the Human Rights Today Caribbean Symposium,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Takes note* of the adoption by the Legislative Assembly in 2001 of a referendum law, which confirmed that only a referendum makes it possible for the electorate to give a clear judgement on a single issue of immediate relevance, and that the Constitution of the Cayman Islands can only be amended through a referendum;

3. *Requests* the administering Power, the specialized agencies and other organizations of the United Nations system to continue to provide the territorial Government with all required expertise to enable it to achieve its socio-economic aims;

4. *Requests* the administering Power, in consultation with the territorial Government, to continue to facilitate the expansion of the current programme of securing employment for the local population, in particular at the decision-making level;

5. *Welcomes* the implementation of the Country Cooperation Framework of the United Nations Development Programme for the Territory, which is designed to ascertain national development priorities and United Nations assistance needs;

6. *Notes* the negative impact on the economy of the Territory of the slowdown in economic performance in the world, as well as the determination of the new Government to modernize the economic structure and intensify the implementation of its financial management initiative;

7. *Welcomes* the accession of the territory as an associate member of the Caribbean Community;

8. *Welcomes* the completion of the report of the Constitutional Modernization Review Commission, which conducted an extensive review of the present constitution, with recommended changes, following public discussions with community groups and individuals, pursuant to the recommendations as stated in its

White Paper on Partnership for Progress and Prosperity: Britain and the Overseas Territories;

VI. Guam

Recalling that, in a referendum held in 1987, the registered and eligible voters of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for a greater measure of internal self-government for Guam and recognition of the right of the Chamorro people of Guam to self-determination for the Territory,

Recalling also its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to the Non-Self-Governing Territories, in particular, General Assembly resolutions 54/90 A and B of 6 December 1999,

Recalling further the requests by the elected representatives and non-governmental organizations of the Territory that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee is concerned, pending the self-determination of the Chamorro people and taking into account their legitimate rights and interests,

Aware that negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act are no longer continuing and that Guam had established the process for a self-determination vote by the eligible Chamorro voters,

Cognizant that the administering Power continues to implement its programme of transferring surplus federal land to the Government of Guam,

Noting that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough, unconditional and expeditious transfer of land property to the people of Guam,

Conscious that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

Aware of the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture and other viable activities,

Noting the proposed closing and realigning of four United States Navy installations on Guam and the request for the establishment of a transition period to develop some of the closed facilities as commercial enterprises,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory, and noting the recommendation of the 1996 Pacific regional seminar for sending a visiting mission to Guam,[2]

Noting with interest the statements made and the information on the political and economic situation in Guam provided by the representatives of the Territory to the Pacific regional seminar, held at Nadi, Fiji, from 14 to 16 May 2002,

[2] See A/AC.109/2058, para. 33 (20).

Concerned that the latest census figures in the Territory show that the percentage of persons living in poverty increased from 14 per cent in 1990 to 23 per cent in 2000,

1. *Requests* the administering Power to work with Guam's Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination with a view to facilitating Guam's decolonization and to keep the Secretary-General informed of the progress to that end;

2. *Calls upon* the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the plebiscite of 1987 and as provided for in Guam law, encourages the administering Power and the territorial Government of Guam to enter into negotiations on the matter, and requests the administering Power to inform the Secretary-General of progress to that end;

3. *Requests* the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

4. *Also requests* the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory;

5. *Further requests* the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam, and to take all necessary measures to respond to the concerns of the territorial Government with regard to the question of immigration;

6. *Requests* the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises, noting the special role of the Chamorro people in the development of Guam;

7. *Also requests* the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agricultural and other viable activities;

VII. Montserrat

Taking note that Legislative Council elections were held in the Territory in 2001, resulting in the assumption to office of the New People's Liberation Movement Government,

Also taking note with interest of the statements made and the information on the political and economic situation in Montserrat provided by the elected representative of the Territory to the Caribbean regional seminar, held at Havana from 23 to 25 May 2001,

Noting that the last visiting mission to the Territory took place in 1982,

Noting with concern the dire consequences of a volcanic eruption, which led to the evacuation of three quarters of the Territory's population to safe areas of the island and to areas outside the Territory, in particular Antigua and Barbuda and the United Kingdom of Great Britain and Northern Ireland, and which continues to have a negative impact upon the economy of the island,

Welcoming the continued assistance to the Territory from Caribbean Community member States, in particular Antigua and Barbuda, which has provided safe refuge and access to educational and health facilities, as well as employment for thousands who have left the Territory,

Noting the efforts of the administering Power and the Government of the Territory to meet the emergency situation caused by the volcanic eruption, including the implementation of a wide range of contingency measures for both the private and the public sectors in Montserrat,

Noting also the coordinated response measures taken by the United Nations Development Programme and the assistance of the United Nations disaster management team,

Noting with concern that a number of the inhabitants of the Territory continue to live in shelters because of volcanic activity,

Welcoming the inclusion of the Territory by the United Nations Development Programme in its 2001-2003 subregional cooperative framework for the countries of the Organization of Eastern Caribbean States and Barbados,

Taking note of the establishment in 2001 of the Montserrat Financial Services Commission, which is responsible for the licensing and supervision of all financial services, with the exception of domestic banks,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system as well as regional and other organizations to continue to provide urgent emergency assistance to the Territory in alleviating the consequences of the volcanic eruption;

3. *Welcomes* the support of the Caribbean Community in the construction of housing in the safe zone to alleviate a shortage caused by the environmental and human crisis of the eruption of the Montsoufriere volcano, as well as the material and financial support from the international community to help alleviate the suffering caused by the crisis;

4. *Also welcomes* the Chief Minister's 2002 budget presentation, in which he noted that in 2001, for the first time in seven years, the economy of Montserrat experienced positive growth, from negative 5.43 per cent in 2000 to 0.4 per cent in 2001, with the implementation of several major public work projects accounting for growth in the construction sector;

5. *Takes note* of the statement of the Chief Minister that his Government would explore the possibilities of securing additional finance from sources other than the British Government, and that the main sources under consideration were the Caribbean Development Bank and the European Investment Bank;

6. Welcomes the establishment of the Constitutional Review Commission to embark on a public education programme on the Constitution, to ascertain the views of the population and to make recommendations to the administering Power on changes which may be envisaged, pursuant to the recommendations as stated in its

White Paper on Partnership for Progress and Prosperity: Britain and the Overseas Territories;

VIII. Pitcairn

Taking into account the unique nature of Pitcairn in terms of population and area,

Welcoming the participation of an expert from Pitcairn for the first time in the Pacific regional seminar held at Nadi, Fiji, from 14 to 16 May 2002,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

3. *Calls upon* the administering Power to continue its discussions with the representatives of Pitcairn Island on how best to support their economic security;

IX. St. Helena

Taking into account the unique character of St. Helena, its population and its natural resources,

Noting that a Commission of Inquiry into the Constitution appointed at the request of the Legislative Council of St. Helena reported its recommendations in March 1999, and that the Legislative Councillors are currently considering its recommendations,

Welcoming the participation of an expert from St. Helena for the first time in the Pacific regional seminar held at Nadi, Fiji, from 14 to 16 May 2002,

Aware of the establishment by the Government of the Territory of the Development Agency in 1995 to encourage private sector commercial development on the island,

Also aware of the efforts of the administering Power and the territorial authorities to improve the socio-economic conditions of the population of St. Helena, in particular in the sphere of food production, continuing high unemployment and limited transport and communications, and calls for continuing negotiations to allow access to Ascension Island by civilian charter flights,

Noting with concern the problem of unemployment on the island and the joint action of the administering Power and the territorial Government to deal with it,

1. *Welcomes* the administering Power's commitment to consider carefully suggestions for specific proposals for constitutional change from territorial Governments as stated in its White Paper on Partnership for Progress and Prosperity: Britain and the Overseas Territories;

2. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the

Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

3. *Requests* the administering Power and relevant regional and international organizations to continue to support the efforts of the territorial Government to address the socio-economic development challenges, including the high unemployment and the limited transport and communications problems;

X. Turks and Caicos Islands

Noting that the People's Democratic Movement was elected to power in the Legislative Council elections held in March 1999,

Also noting the efforts by the Government of the Territory to strengthen financial management in the public sector, including efforts to increase revenue,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities, as well as its problems caused by illegal immigration,

Noting the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money-laundering,

Welcoming the assessment by the Caribbean Development Bank in its 2000 report that the economic performance of the Territory remained strong, with an increase in gross domestic product estimated at 8 per cent, reflecting strong growth in the tourism and construction sectors,

Welcoming the convening in the Territory in January 2002 of the 14th meeting of the Bureau of the Caribbean Community, a regional organization in which the Territory enjoys associate membership,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Invites* the administering Power to take fully into account the wishes and interests of the Government and the people of the Turks and Caicos Islands in the governance of the Territory;

3. *Welcomes* the establishment of the Constitutional Review Commission to embark on a public education programme on the Constitution, to ascertain the views of the population and to make recommendations to the administering Power on changes which may be envisaged, pursuant to the recommendations as stated in its White Paper on Partnership for Progress and Prosperity: Britain and the Overseas Territories;

4. *Calls upon* the administering Power and the relevant regional and international organizations to continue to provide assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

5. *Calls upon* the administering Power and the territorial Government to continue to cooperate to counter problems related to money-laundering, smuggling of funds and other related crimes, as well as drug trafficking;

6. *Also welcomes* the first Country Cooperation Framework approved by the United Nations Development Programme for the period 1998-2002, which should, inter alia, assist in the development of a national integrated development plan that will put into place procedures for determining the national development priorities over ten years, with the focus of attention on health, population, education, tourism and economic and social development;

XI. United States Virgin Islands

Taking note with interest of the statements made and the information provided by the representative of the Governor of the Territory to the Pacific regional seminar, held at Nadi, Fiji, from 11 to 14 May 2002,

Noting also the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and observer status in the Caribbean Community and the present request by the Territory to the administering Power for the delegation of authority to proceed,

Noting the necessity of further diversifying the economy of the Territory,

Noting the efforts of the Government of the Territory to promote the Territory as an offshore financial services centre,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory,

Noting that the Territory commemorated its annual British Virgin Islands-United States Virgin Islands Friendship Day on 11 May 2002 in official ceremonies on St. Thomas,

1. *Requests* the administering Power to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status, bearing in mind the views of the people of the Territory ascertained through a democratic process;

2. *Also requests* the administering Power to continue to assist the territorial Government in achieving its political, economic and social goals;

3. *Further requests* the administering Power to facilitate the participation of the Territory, as appropriate, in various organizations, in particular the Organization of Eastern Caribbean States, the Caribbean Community and the Association of Caribbean States;

4. *Notes with satisfaction* that continued measures being taken by the elected territorial Government have eased the fiscal crisis, and calls upon the administering Power to continue to provide every assistance required by the Territory to further alleviate the difficult economic situation, including, inter alia, the provision of debt relief and loans;

5. *Notes with interest* the entering into force in 2001 of the joint memorandum of cooperation on the exchange of artefacts between the Territory and the Kingdom of Denmark, the Territory's former administering Power, as a companion agreement to the 1999 memorandum for the repatriation of archival material from the Danish colonial period, consistent with the Durban Declaration and Programme of Action, and requests the United Nations Educational, Scientific

and Cultural Organization, under its records and archives management programme, to assist the Territory in carrying out its archival and artefacts initiative;

6. *Takes note* of the position of the territorial Government opposing the assumption by the administering Power of submerged land in territorial waters, and [its] calls for the return of those marine resources to the people of the Territory, consistent with relevant resolutions of the General Assembly on the ownership and control of natural resources, including marine resources, by the people of Non-Self-Governing Territories [as well as the Law of the Sea Treaty];

7. *Notes with concern* that the last census figures for the Territory indicate that 32.5 per cent of the population is living in poverty, with 47 per cent of children in St. Croix and 33 per cent of children on St. Thomas living in poverty.

United Nations A/AC.109/2002/L.16

General Assembly

Distr.: Limited
24 June 2002

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Report of the Special Committee

Chairman: Mr. Earl Stephen **Huntley** (Saint Lucia)

1. At its 10th meeting, on 26 June 2002, the Special Committee considered pending matters related to its work and took decisions on the agenda items listed below.

Question of holding a series of meetings away from Headquarters

2. The General Assembly, by paragraph 6 of its resolution 1654 (XVI) of 27 November 1961, authorized the Special Committee to meet elsewhere than at United Nations Headquarters whenever and wherever such meetings might be required for the effective discharge of its functions. By paragraph 3 (9) of the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 2621 (XXV) of 12 October 1970, the Assembly directed the Committee to continue to hold meetings away from Headquarters as appropriate.

3. In that connection, the Special Committee decided to consider accepting such invitations as might be received in 2002 and, when particulars of such meetings become known, it would request the Secretary-General to seek the necessary budgetary provisions in accordance with established procedure.

Representation at seminars, meetings and conferences of intergovernmental and other organizations

4. The Special Committee decided to recommend to the General Assembly that the Committee continue to be represented at seminars, meetings and conferences organized by United Nations bodies and other intergovernmental and non-governmental organizations active in the field of decolonization. In keeping with its decision of 12 February 2002, the Committee would authorize its Chairman to hold

02-43940 (E) 240602

consultations, as appropriate, concerning its participation in those meetings, as well as the level of representation, when accepting invitations. In accordance with established practice and on the basis of the principle of rotation, the Chairman would hold consultations with the Bureau members, who, in turn, would consult with the members of the Committee from their respective regional groups. The Chairman will also have consultations with those members of the Committee whose regional group is not represented in the Bureau. The Special Committee decided to recommend that the General Assembly make appropriate budgetary provisions to cover such activities in 2003.

Pattern of conferences

5. The Special Committee noted that, during the year, it had closely followed the guidelines set forth in the resolutions of the General Assembly on the pattern of conferences, in particular resolution 56/242 of 24 December 2001. By organizing its programme of work effectively and holding extensive consultations, the Committee had been able to curtail considerably the number of its formal meetings. The Special Committee decided to continue to make optimum and effective use of conference-servicing resources.

6. The Special Committee decided, taking into account the probable workload of the Special Committee for 2003, to consider holding its meetings in accordance with the following schedule:

(a) *Plenary*

February/March	As required
June/July	Up to 30 meetings (6 to 8 meetings a week)

(b) *Bureau*

February/July	20 meetings

7. It would be understood that that programme would not preclude the holding of any ad hoc meetings that might be warranted and that the Special Committee might, in early 2003, review the scheduled meetings on the basis of any new developments. The Special Committee would, subject to any directives given by the General Assembly, strive to keep its meetings to a minimum, while fulfilling its mandate.

Control and limitation of documentation

8. The Special Committee noted that, during the year, it had taken further measures to control and limit its documentation in compliance with the relevant resolutions of the General Assembly, in particular resolutions 34/50 of 23 November 1979, 39/68 of 13 December 1984, 51/211 B of 18 December 1996 and 56/242 of 24 December 2001. The Special Committee, consistent with the goal of limiting documentation, decided to continue to streamline its report to the Assembly.

9. By its resolution 50/206 B of 23 December 1995, the General Assembly approved the recommendation of the Special Committee to replace its verbatim records by summary records. Having reviewed the need for such records, the Special Committee decided to maintain its summary records.

Question of the list of Territories to which the Declaration is applicable

10. The Special Committee decided to continue consideration of the question at its next session, subject to any directives that the General Assembly might give at its fifty-sixth session.

International Decade for the Eradication of Colonialism

11. Noting that the updated Plan of Action for the Second International Decade for the Eradication of Colonialism, referred to in its resolution 55/146 of 8 December 2000 and contained in the annex to the report of the Secretary-General,[1] provided for the holding of seminars alternately in the Caribbean and the Pacific regions, as well as at United Nations Headquarters, and subject to any directives that the General Assembly might give at its fifty-seventh session in this regard, the Special Committee decided to organize in 2003 a seminar in the Pacific region, to be attended by representatives of all Non-Self-Governing Territories.

12. The Special Committee decided further to recommend inviting United Nations organs, agencies and institutions to apprise the Secretary-General of the actions they have taken in implementation of General Assembly resolution 55/146 of 8 December 2000 and to submit a report to the Assembly at its fifty-eighth session, subject to any directives that the Assembly might give at its fifty-seventh session with regard to the Second International Decade for the Eradication of Colonialism.

Participation of representatives of Non-Self-Governing Territories in the work of the Special Committee

13. The Special Committee decided to recommend that the participation of representatives of Non-Self-Governing Territories in the work of the Special Committee at Headquarters, as recommended by the Plan of Action for the Second International Decade for the Eradication of Colonialism, should continue to be facilitated through the reimbursement by the United Nations of the expenses relating to their participation under the terms of the guidelines amended by the Committee and approved by the General Assembly at its forty-eighth session. In that regard, the Special Committee decided to consider the guidelines at its plenary meetings with a view to amending them further, where appropriate.

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[1] A/56/61.

United Nations A/AC.109/2002/L.16/Corr.1

General Assembly

Distr.: Limited

26 June 2002

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Report of the Special Committee

Chairman: Mr. Earl Stephen **Huntley** (Saint Lucia)

Corrigendum

Paragraph 11, seventh line

For Pacific *read* Caribbean

02-44584 (E) 270602